UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT NORTH CAROLINA

In re:

Sam Bass Illustration & Design, Inc.	)	Case No. 16-51021
	)	Chapter 11
Debtor	)	

MOTION TO APPOINT EXAMINER

Now comes the United States Bankruptcy Administrator, by and through Counsel, and, moves the Court pursuant to 11 U.S.C. 1104 for the appointment of an Examiner, and in support thereof shows the Court:

This case was filed under Chapter 11 on October 31, 2016, and the Debtor has operated as a debtor-in-possession. The Debtor is a small business debtor as defined in 11 U.S.C. '101(51D).

1. Upon information and belief, the Debtor has not filed its 2015 tax return, which is late.

2. According to the December monthly report, actual expenses exceed the income by $4,584.45. December sales were less than projected.

3. The status of the IRS Form 940 and 941 returns post-petition, and the associated payments is uncertain, and as of this time, it can not be confirmed that the returns have been filed, or payments made.

4. Cause exists to appoint an Examiner based on the foregoing. Appointment of an Examiner is in the best interests of creditors.

5. An Examiner could investigate the true financial condition of the debtor, the desirability of the continuation of the business, and recommend the filing of a plan or the conversion of the case, all pursuant to 11 U.S.C. 1106.

6. Further, it appears to the undersigned that while on one hand, the Debtor has a well-known name/brand, a substantial client base, a certain demand for its product, and a great deal of saleable inventory, on the other hand, the Debtor has had lower than expected sales, is moving with difficulty to a new, smaller business model, is hampered by certain health and financial issues of its principals, is generally in a declining industry, and has had difficulty in budgeting and financial management post petition.

7. The Debtor has proposed an auction sale of much of its inventory for April.

WHEREFORE, the undersigned respectfully requests entry by the Court of an Order appointing an Examiner or for such other and further relief as to the court may seem just and proper.

This the 22 day of February, 2017.

William P. Miller
U.S. Bankruptcy Administrator

By: ____________________
s/Robert E. Price, Jr.
Assistant U. S. Bankruptcy Administrator
State Bar No. 9422

CERTIFICATE OF SERVICE

This is to certify that on this date, the foregoing document was served upon the following parties or counsel by electronic filing and/or depositing a copy in the United States mail, first class postage prepaid, addressed as follows:

Kristen Nardone via electronic service

Nathan Strup, Esq.

By: _s/Susan Gattis
Bankruptcy Analyst